

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Thomas J. Higgins

Debtor
HSBC Consumer Lending Mortgage Services,
Inc., or its Successor or Assignee
Movant

vs.

William C. Miller, Trustee, Trustee
Thomas J. Higgins

Chapter 13
Bankruptcy No. 11-19183 JKF

Respondent

**OBJECTION OF HSBC CONSUMER LENDING MORTGAGE SERVICES, INC TO
CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN**

HSBC Consumer Lending Mortgage Services, Inc.(hereinafter Creditor) is a secured creditor of the above Debtor and by its counsel hereby objects to the Debtor's Chapter 13 Plan as follows:

1. Creditor filed a Proof of Claim on or about May 21, 2012 indicating that the principal balance of its claim is \$88,477.74, and that its arrearage claim is \$20,857.14.
2. The Debtor's Chapter 13 Plan proposes to pay \$0.00 towards Creditor's arrears. Said amount does not cover total arrearage claim.
3. Section 1322(b)(2) of the Bankruptcy Code does not permit the debtors through the Plan to modify the rights of secured creditors holding an interest in real property that is the debtors principal residence. To the extent the Plan attempts to do so, it can not be confirmed.

WHEREFORE, for the foregoing reasons, HSBC Consumer Lending Mortgage Services, Inc. requests that an Order be entered denying confirmation of Debtor's Chapter 13 Plan and for such other and further relief as is just.

/s/ Kevin T. McQuail
MARGARET GAIRO, ESQUIRE, I.D.# 34419
MARISA J. COHEN, ESQUIRE, I.D. # 87830
KEVIN T. MCQUAIL, ESQUIRE, I.D. # 307169
ANN E. SWARTZ, ESQUIRE, I.D. # 201926
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CERTIFICATION OF SERVICE

I, Kevin T. McQuail, attorney for HSBC Consumer Lending Mortgage Services, Inc., hereby certify that I served a true and correct copy of the foregoing Objection of HSBC Consumer Lending Mortgage Services, Inc. to Confirmation of the Debtor's Chapter 13 Plan, by United States Mail, first class, postage prepaid, and/or electronic means, on February 27, 2013, upon the following:

William C. Miller, Trustee
111 S. Independence Mall
Suite 583
Philadelphia, PA 19106

Thomas J. Higgins
4027 North Warner Road
Lafayette Hill, PA 19444

MICHAEL W. GALLAGHER
1000 Germantown Pike
Suite A-1
Plymouth Meeting, PA 19462

/s/ Kevin T. McQuail

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February 27, 2013

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RE: Thomas J. Higgins
Chapter 13/Bankruptcy No. 11-19183 JK

Dear Parties:

Enclosed please find a copy of the Objection to Confirmation of Debtor's Chapter 13 Plan. The original has been sent for filing with the Court.

Should you have any questions, please feel free to contact me at the telephone number listed above.

Very truly yours,

Danielle Dougherty, Paralegal for Kevin T. McQuail
McCABE, WEISBERG AND CONWAY
/dd
Enclosure

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ORDER

Upon consideration of the objection of Creditor to confirmation of the Chapter 13 plan, and after notice and hearing , it is hereby

ORDERED that the objection is sustained.

BY THE COURT,
